

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

WENDY THOMAS (NYBN 4315420)
Special Assistant United States Attorney

LINDSAY HOOPES

Law Clerk

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6809
Facsimile: (415) 436-7234
E-Mail: wendy.thomas@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Case No. CR 08-0116 MAG

Plaintiff,

V.

THANH DING, and
CUONG TRAN, and
QUANG TRAN
Defendants

Defendants

**DECLARATION OF LINDSAY
HOOPES IN SUPPORT OF UNITED
STATES' MOTION FOR SUMMONS**

I, Lindsay B. Hoopes, hereby declare as follows:

1. I am a Law Clerk in the United States Attorney's Office assigned to the prosecution of this case. I received the following information from officers employed by the United States Park Police and assigned to Criminal Investigations Branch for the Presidio Trust and Golden Gate National Recreation Area.

2. On June 23, 2007, at approximately 6:08 p.m., United States Park Police (“USPP”) Officer Savage (“Savage”) responded to a report of a large “fist fight” in the Golden Gate National Recreation Area near the East Fort Baker Pier.

1 3. At the scene, Savage spoke with two victims who reported they had their car damaged
2 during a fight. The two individuals indicated that unknown males threw rocks at their car, while
3 they were in the car, and broke out multiple windows. The victims and other reporting parties via
4 Park Police Dispatch indicated the perpetrators left the scene in a silver Toyota Tacoma pick-up
5 truck, and fled up Bunker Road towards Baker Barry Tunnel.

6 4. Officer Griffin (“Griffin”) of the USPP responded to the area of the Baker Barry Tunnel to
7 look for the fleeing car. Griffin intercepted a silver Toyota Tacoma that matched the dispatch
8 description. When Griffin approached the car, the front passenger, later identified as Cuong Tran
9 (“C. Tran”), was breathing heavily and noticeably sweating. Quang Tran (“Q. Tran”) and Thanh
10 Dinh (“Dinh”), later identified, were also occupants of the car.

11 5. The occupants of another car stopped near the suspect Tacoma, who witnessed part of the
12 altercation, reported to Griffin that they heard arguing, yelling, and “shoot him, shoot him”
13 originating from the aforementioned occupants of the pick-up. Because Griffin feared the
14 occupants of the suspect Tacoma possessed weapons, Griffin asked the Tacoma occupants to get
15 out of the car, and conducted a *Terry* weapons search.

16 6. Defendant Q. Tran became aggressive, and started shouting at Griffin. Q. Tran then
17 reached inside the car as though he were going to grab something. For his safety, Griffin
18 handcuffed Q. Tran and proceeded to search the vehicle. The search did not return any weapons.

19 7. Officer Halverson (“Halverson”) of the USPP drove victim R.S. and witness Reana S.
20 from the scene of the altercation to the suspects’ location to conduct a cold show. R.S. and Reana
21 S. identified all three suspects as perpetrators of the car vandalism and as the instigators of the
22 physical altercation.

23 8. The three suspects were cited by Griffin after being identified, and were released on their
24 own recognizance.

25 9. Victim R.S. reported that he and his family were standing on a pier crabbing when four
26 individuals approached himself and his family. R.S. reported that the suspects began yelling at
27 R.S. and his family, and later began to strike he and his family until R.S. was able to retreat to
28 his car. R.S. sustained a black eye and bruises from the perpetrators’ punches. R.S.’s injuries

1 were so severe that he was unable to return to work for a week after the fight. As R.S. and his
2 family fled to their vehicle, a Thrifty rental Dodge Caravan bearing Nevada Plates #926 UHX,
3 the suspects started throwing rocks and beer bottles towards the family and their rental car. The
4 rocks and bottles broke two of the vehicle windows. R.S. did not know any of the suspects prior
5 to the incident.

6 10. R.G. reported that the aggressors approached her family while they were also crabbing on
7 the pier. R.G. retreated with her family to her car, a Mazda bearing California License Plate
8 #5SBB370, when the suspects began throwing rocks at her car. R.G. reported the perpetrators
9 smelled strongly of alcohol.

10 11. R.T., a third victim of the fighting incident, went directly to Marin General Hospital after
11 the fight due to injuries. For this reason, R.T. was not available during the cold show. R.T.
12 reported that one suspect approached his fiancé and propositioned her. When R.T.'s fiancé did
13 not entertain the aggressor's comments, the suspect hit R.T. with closed fists. Medical reports
14 retained from Marin County General Hospital indicate that R.T. sustained a fracture in one of the
15 bones in his right hand as a result of the altercation. R.T. identified C.Tran as an individual
16 involved in the fight, and as the one who shouted "Let me shoot them!" at the scene, during the
17 fight.

18 12. United States Coast Guard Richard Pocci ("Pocci") was on duty in a Coast Guard Patrol
19 Boat and observed the fight from approximately 100 yards away. Pocci did not see the start of
20 the fight, but did see the suspects break the windows out of R.S.'s car and then flee from the
21 scene. Pocci confirmed that the victims identified throughout looked as though they were acting
22 in self defense. Pocci saw the aggressors get into a Toyota Tundra, and drive off.

23 13. A.S., a relative of R.T. and R.S., was present when the fight broke out between his family
24 members and the aggressors. A.S. became part of the altercation as the aggressors started
25 fighting with other members of his family. A.S. was hit in the back of the head.

26 14. On September 23, 2007, Sergeant Robert Jansing ("Jansing") showed R.S. and A.S. four
27 six pack photo arrays, each containing a photo of a cited defendant. R.S. positively identified
28

1 Dinh as “starting the whole fight” and throwing rocks and bottles at his car. R.S. also positively
2 identified Q. Tran as physically hitting him during the incident. A.S. positively identified C.
3 Tran as physically hitting him during the altercation.

4 15. I declare under penalty of perjury according to the laws of the United States that the
5 foregoing is true and correct to the best of my knowledge and belief.

6

7 Executed March 18, 2008 in San Francisco, California.

8

9

Respectfully submitted,

10

11

/s/
LINDSAY B. HOOPES
Law Clerk
United States Attorney’s Office

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28